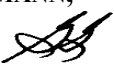




PLANNING & ZONING COMMISSION

AGENDA REQUEST

AGENDA OF:	10-28-10	AGENDA REQUEST NO:	III-A
INITIATED BY:	NELDA MCGEE, EXECUTIVE SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DEPARTMENT HEAD:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	MINUTES PLANNING & ZONING COMMISSION MEETING OCTOBER 12, 2010 APPROVE MINUTES		
EXHIBITS:	MINUTES OCTOBER 12, 2010		
CLEARANCES		APPROVAL	
LEGAL:	N/A	INTERIM PLANNING DIRECTOR:	DOUG SCHOMBURG
RECOMMENDED ACTION			
Approve the minutes of the Planning & Zoning Commission meeting October 12, 2010.			

EXHIBITS

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

CITY OF SUGAR LAND
SUGAR LAND PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, OCTOBER 12, 2010

REGULAR MEETING

The City of Sugar Land Planning and Zoning Commission convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Wednesday, October 12, 2010, at 5:30 o'clock P.M. and the roll was called of the members; to wit:

Bridget R. Yeung, Chairman
Carl Stephens, Vice Chairman
Gregory Schmidt
Harish Jajoo
Kathy Huebner
Marlena Berger
Sandy Hellums
Paula Stansell
James Shaw

QUORUM PRESENT

All of said members were present, with the exception of Commissioner Hellums, who arrived at 6:41 o'clock P.M., and Commissioner Berger, who was absent.

Also present were:
Doug Schomburg, Interim Planning Director
Eugenia Cano, Assistant City Attorney
Nelda McGee, Executive Secretary and
A Number of Visitors and Staff

CONVENE MEETING

Chairman Yeung convened the session, open to the public, to order at 5:32 o'clock P.M.

ORIENTATION

Chairman Yeung introduced orientation and training for members of the Planning and Zoning Commission.

Mr. Doug Schomburg, Interim Planning Director welcomed new Commissioners Gregory Schmidt and Kathy Huebner and introduced Planning Department staff Lisa Kocich-Meyer, Ruth Lohmer, Gretchen Pyle, and Eleanor May.

Planning, Building Permits, Inspections, and Transportation are part of the Community Development Department; Jim Callaway serves as Executive Director of Community Development and Christine Rankin is Executive Assistant. The Planning Department is staff liaison to the Commission, providing advice, case materials, coordination with City staff, and recommendations as required.

Chapters 211 and 212 of the Texas Local Government Code give cities authority for zoning and platting; the City Charter establishes the Planning and Zoning Commission as the final authority on platting and the recommending body to City Council on Master Plans, General Land Plans, Rezoning Cases, Conditional Use Permits, and the Capital Improvement Program. The Development Code provides for the Planning and Zoning Commission to act on zoning changes and variances related to Sugar Land Regional Airport.

Ms. Lisa Kocich-Meyer, Senior Planner discussed the Comprehensive Plan, stating the Chapter 211 of the Texas Local Government Code gives the City the authority to regulate height, lot standards, building uses and specifies zoning regulations must be adopted in accordance with a comprehensive plan; Chapter 213 gives the City authority to adopt a Comprehensive Plan and specifies the Comprehensive Plan does not constitute zoning.

The Comprehensive Plan is a snapshot of existing demographics and land uses and provides guidance and direction for future development; includes a land use plan for physical growth, a long range plan for total build-out, comprehensive goals involving all aspects of City business, and policy direction for decision making and project implementation. Elements of Sugar Land Comprehensive Plan include an inventory of baseline information, a vision statement consisting of thirteen goals, and a set of master plans for land use, circulation, and public facilities and infrastructure.

Comprehensive Plan land use plans are implemented in public projects through the 5-year Capital Improvement Program or annual capital project budget and in private development projects through general plans, zoning, subdivision platting, and site plans.

Sugar Land Comprehensive Plan has 13 community development goals, each goal has objectives and strategies for accomplishing the vision:

- I. Safe and Beautiful City
- II. Economically Sustainable City
- III. Effective Land Use
- IV. Redevelopment
- V. Transportation and Mobility
- VI. Infrastructure
- VII. Annexation
- VIII. Airport Development

ORIENTATION (CONTINUED)

- IX. Parks, Recreation, Leisure, and Open Space
- X. Cultural Arts
- XI. Historic Preservation
- XII. Community Involvement
- XIII. Planning for the Future

The Future Land Use Plan was adopted in 2004 to show the distribution and variety of land uses for future development of the City; land uses include residential, retail, office, light industrial, and parks and open spaces.

City Planners are facilitators and supporters of the Comprehensive Plan, encourage stakeholder participation in the public process, educate decision makers on the Comprehensive Plan, and serve as administrators of the Development Code.

The Comprehensive Plan represents community values and the vision of the City; communicates policy direction to boards, commissions, and staff for physical development of the City; provides notice of City direction and goals to the community and developers; and establishes the long-range nature of development.

Elements of the Comprehensive Plan are implemented through several tools:

- Land Use Plan
 - Zoning and rezoning process
 - General plan approval process
- Thoroughfare Plan (Master Plan)
 - General plan
 - Subdivision regulation approvals
 - Capital Improvement Program projects
 - 5-year CIP
 - Yearly CIP
- Goals, Objectives, and Strategies
 - Zoning/Rezoning
 - General Plan approval
 - Code amendments
 - Operational policies
 - CIP projects

The Land Use Plan is more conceptual than zoning, not legally binding, is completed prior to zoning, and is responsive to changing conditions.

Ms. Ruth Lohmer, Senior Planner stated the first step in the development process is zoning and/or rezoning; staff reviews for compliance with the land use plan, compatibility with community vision, and impacts to existing and future land uses and infrastructure. A zoning recommendation from the Commission is a legislative action and subject to a high level of discretion by the Commission and City Council.

ORIENTATION (CONTINUED)

The Conditional Use Permit zoning process is a site-by-site determination by the Commission and City Council of the type of impacts the uses would have on the immediate area; recent cases of Conditional Use Permits include hotels, private schools, and churches. The Commission makes a recommendation to the Council, approval with mitigating conditions, or denial based on mitigation factors and/or applicability of specific site-related conditions; if request is denied, the applicant can appeal the decision by submitting a letter requesting the application be heard before City Council; approval by Council requires supermajority. Common conditions for approval include compliance with the site layout plan and/or building elevations.

Subdivision review follows zoning and ensures subdivided properties have adequate access to roads and utilities; review is based on subdivision regulations, previously approved plats, compliance with the Comprehensive Plan, and objective administrative action. If the plat meets the requirements, the Commission is compelled to approve. Three main components of the subdivision review process are the general plan, preliminary plat, final plat and replats.

General plans are required for residential properties 50 acres or greater and non-residential subdivisions 30 acres are greater. The Planning Director may require a general plan for smaller acreage if deemed necessary. General plans must be in compliance with the Comprehensive Plan and include proposed land uses and major streets. Possible land uses are residential, commercial, mixed use, buffers, park land/open space, schools, and public buildings; major streets are included to ensure compliance with the thoroughfare plan.

After the general plan is approved a preliminary plat is submitted for review. The preliminary plat must be in compliance with the General Plan and applicable zoning regulations; the plat generally includes street layout, general lot dimensions, building setbacks, and general utility layout. Master notes are not required on the preliminary plat. Preliminary plats in Sugar Land closely resemble the final and may include construction plans for streets and utilities. If the preliminary plat complies with established regulations, the Commission must approve it; any inaccuracies in the preliminary can be addressed in the final plat, which must meet code requirements.

The final plat must be in compliance with preliminary plat and provide more detail; street layout and dimensions, radii, lot dimensions, building setbacks, easements are more specific in the final plat; infrastructure construction plans are required. Areas in the ETJ do not have zoning, but comply with subdivision regulations established for building lot sizes and setbacks; within City limits, specific zoning regulations for each district apply. The City has lot requirements for gated subdivisions; street layout and structure for private streets in gated communities follow City requirements and must be decided by time of platting; access streets are considered drives and not subject to the same restrictions. The Final Plat includes information on surrounding subdivisions, reserves, recordations, notes, dedication block for the owners, city signature block, and in some cases county commissioner block.

The Development Review Committee meets every Thursday morning to review projects in detail. Staff evaluates traffic, drainage, and other technical impacts and makes a recommendation to the Commission through written staff reports/agenda requests and oral presentations. The Development Review Committee includes department staff representing Planning, Utilities, Development Services, Public Works, Fire, Parks and Recreation and City Engineering.

ORIENTATION (CONTINUED)

Staff meets with developers and citizens to identify and address major issues, assist with application completion, meeting schedule, and public hearing notices. Staff reviews the plat prior to submittal to the county for recordation, obtains signatures, processes surety payments, inspect infrastructure, and sends approval letters. Staff provides assistance through the site plan process by reviewing traffic impacts, drainage and detention, fire code, bulk regulations, and other zoning and/or code requirements. Development typically focuses on drainage and traffic, inclusive of aesthetics such as building finish standards, landscaping, and signage.

Mr. Schomburg stated the Planning and Zoning Commission adopted Policies and Procedures delineates Code of Ordinances and Charter provisions for the Commission, including duties, officers, appointment of officers, attendance, quorum (not less than 5 for the Planning and Zoning Commission), hearings, workshops and Ethical Conduct under the Code of Ordinances; the City Secretary Office provides required Ethics and Open Meetings training. Additional policies include conflict of interest and applicant contact with Commissioners. Conflict of interest provisions in the ethics code prohibit Commissioners from discussion or taking action on any items they may have an interest in. Planning and legal staff advise all discussions occur at public meetings, no law prevents a Commissioner from receiving information relating to a project; the Open Meetings Act, gifts and ethics apply to Commissioners. For purposes of transparency, staff recommends Commissioners disclose for the record any detailed project discussions held with applicants or citizens; disclosure should be made prior to Commission discussion and decision making.

Chairman Yeung opened the topic for discussion, stating all Commissioners need to address the issue of private applicant/citizen contact in a consistent manner. A brief discussion ensued; some Commissioners stated that applicants/citizens attempting to contact or meet with individual Commissioners regarding a specific case should be directed to the public meeting so all Commissioners have access to the same information; others disagreed. **Ms. Eugenia Cano, Assistant City Attorney**, recommended the Commission address formulating policy regarding the matter at a later meeting. Chairman Yeung stated she would contact the City Secretary for direction on how to proceed, but in the interim, any Commissioner having contact with applicants or citizens should disclose at the public meeting following staff presentation and before discussion.

RECESS

Chairman Yeung recessed the Regular Meeting at 6:33 o'clock P.M.

RECONVENE

Chairman Yeung reconvened the regular meeting, open to the public, to order at 6:38 o'clock P.M.

PUBLIC COMMENT

Chairman Yeung introduced Public Comment stating that citizens desiring to address the Planning and Zoning Commission with regard to matters on the agenda would be received at this time. There were no public comments.

MINUTES

Chairman Yeung introduced consideration on approval of the minutes of the regular City of Sugar Land Planning and Zoning Commission meeting held September 23, 2010.

Following a full and complete discussion, **Chairman Yeung**, seconded by **Commissioner Stansell**, made a motion to approve the minutes of the regular City of Sugar Land Planning and Zoning Commission meeting held September 23, 2010. The motion carried unanimously.

FACT, FINDING AND RECOMMENDATION ZONING 15.93 ACRES THE CROSSING AT TELFAIR SECTION 3
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Chairman Yeung introduced consideration of and action on a recommendation to the Mayor and members of City Council to zone 15.93 acres State Highway 6 and University Boulevard being further identified as The Crossing at Telfair Section 3 to Planned Development District, Final Development Plan.

Ms. Ruth Lohmer, Senior Planner stated Telfair Section 3 consists of 15.293 acres commercial property located at the intersection of University Boulevard and State Highway 6; the General Development Plan for The Crossing at Telfair Sections 2, 3, and 4 was approved by City Council on September 21, 2010; two different site plans were presented through the General Development Plan process; the applicant has selected Option B.

A workshop was held August 10, 2010 for the proposed Final Development Plan; Commission discussion focused on:

- Outdoor merchandising area and materials to be sued
- Gas sales canopy and roof type
- Loading/unloading area behind the building
- Possible traffic signal on University Boulevard

A Public Hearing and review of the Final Development Plan was on September 14, 2010, no members of the public spoke at the public hearing; the Commission discussed:

- Preliminary elevations for outdoor merchandising area
 - Make size information consistent throughout document
- Gas sales canopy
 - Change from pitched to hip roof

Changes to the Site Layout Plan include adding a right-out only onto State Highway 6 and 2 hooded lefts into the site from University Boulevard; circulation remains the same. The front area was modified to reflect consistent depiction with the proposal for the outside merchandising area. HEB is proposing seasonal outdoor sales in the entry tower area in addition to the Texas Backyard area.

FACT, FINDING AND RECOMMENDATION (CONTINUED) ZONING 15.93 ACRES THE CROSSING AT TELFAIR SECTION 3
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Uses are consistent with the General Development Plan; several uses not pertinent to the site plan have been removed, including hotels, skilled nursing, intermediate care facilities, hospitals and residential care facilities. Development regulations are consistent with those in the General Development Plan; building finishes are 80% primary finishes, brick, stone, stucco, glass wall, and 20% secondary finishes, EIFS, wood, ceramic tile, decorative CMU, siding.

Detail not provided in the General Development Plan includes provisions for connection to the City of Sugar Land lift station adjacent to the site, future expansion of the grocery store, and modification of the gas canopy and car wash to hip roof.

Elevations provided illustrate how the Texas Backyard area fits with the rest of the store. The applicant is asking that both elevations for the entry towers be included in the ordinance; one illustrates the pitched roof, the other the gable. Elevations for the gas canopy and car wash have been modified to show a hip roof and all masonry columns; finishes for the kiosk building that were not permitted under the Development Code have been removed.

The proposed Final Development Plan is consistent with the General Development Plan; inappropriate uses have been removed; and the applicant has provided detailed elevations for proposed development. Staff recommends approval of the Planned Development Final Development Plan with submitted elevations included.

Chairman Yeung opened discussion to the Commission.

Commissioner Stephens stated for the record he attended a meeting with HEB representatives to discuss revised elevations and layout; the packet exhibits received from staff do not contain the same information discussed at the meeting. **Ms. Lohmer** stated staff reviewed the same information presented to Commissioner Stephens and recommended the applicant provide the Commission less detailed elevations to avoid problems with minor changes in the future and to ensure flexibility in implementing the ordinance. Commissioner Stephens voiced concern that the current elevations do not have sufficient detail, citing cart storage and loading areas as examples; stating other Commissioners should have the same opportunity to see drawings that were presented at his meeting.

Chairman Yeung asked staff how the Commission would address concerns regarding items not specified in the Final Development Plan. **Ms. Lohmer** stated additional elevations could be provided or additional language within the ordinance to address the issues. In terms of the loading dock, the applicant desires for the site plan to be more conceptual, to show the building envelope; things are shifting within the store and it is unknown how the loading docks will work out in the back of the store.

Commissioner Shaw stated that he met with the applicants and expressed that all Commissioners should have the opportunity to review the plans that he and Commissioner Stephens reviewed and discussed; requesting clarification on changes to the two elevations for the entries.

FACT, FINDING AND RECOMMENDATION (CONTINUED)

Mr. Oscar Pena, Jr., HEB Project Design Leader stated the area for outdoor seasonal sales in the entrance tower is limited to a small area in the center; the towers are primarily for customer flow and cart traffic from the cart storage area; the other entrance tower is basically the same configuration, with screening for the sales areas. Setting exact limits on the site plan for access across the area before fixtures and details in the Texas Backyard have been determined could cause problems in the future if a change is necessary.

Mr. Pena presented the additional elevations, stating the tower elements are basically the same with a few modifications to the glass components; one tower element was turned so entrances to both towers now face the same direction.

Commissioner Stephens stated his concern that the seasonal sales area proposed for the center of the main entrance tower will become the entry focal point; the majority of outdoor sales are shielded from view.

Commissioner Stansell asked why the addition of the right out turn lane eliminates the need for a traffic light. **Mr. Robert Valenzuela, Assistant City Engineer** stated insufficient distance between the two traffic signals created timing issues with the diamond interchange; the right turn out is an acceptable solution that was discussed by the City, LJA, and TxDOT traffic engineers and maintains u-turn ability.

Commissioner Stephens asked if there will be left turn lanes for both entries from University Boulevard and **Mr. Valenzuela** confirmed there would be left turn lanes at dual locations, the exact dimensions have not been determined.

Commissioner Schmidt asked for clarification on access to the City of Sugar Land Sanitary Lift Station. **Mr. Valenzuela** stated access will be from the HEB drive, current access from University Boulevard is eliminated; exact configuration has not been determined and will be addressed during plan review.

Commissioner Jajoo asked what the issue is with current access to the lift station from University Boulevard. **Mr. Valenzuela** stated exit from the current lift station site requires vehicles to back up onto University Boulevard; relocating to the HEB property provides safer movements through driveway access. Relocation was agreed on during the early development process; the site is owned by the City of Sugar Land; any property encroachment issues with HEB will be addressed through an access agreement.

Commissioner Hellums asked if there is a landscape buffer between the sidewalk that runs along Bullhead and the store or if it is between the sidewalk and the levy. **Ms. Lohmer** stated the Development Code requires a minimum of 6 feet of landscaping adjacent to property line; if the sidewalk remains outside the property line, it will have a landscaping buffer between it and the store. Screening requirements apply to 25% of the drive aisle, a portion of the length running between the store and sidewalk will have bush line and trees. **Commissioner Shaw** asked if this would be paved sidewalk or pedestrian pathway; Ms. Lohmer confirmed it would be a 5-foot paved sidewalk.

Chairman Yeung asked staff to review Option A and Option B for the tower elevations. **Ms. Lohmer** explained modifications and differences of both elevations, stating the applicant is requesting both elevations be attached as options for the tower entrances.

FACT, FINDING AND RECOMMENDATION (CONTINUED)
ZONING 15.93 ACRES THE CROSSING AT TELFAIR SECTION 3

Chairman Yeung commented that the Commission could not control the seasonal sales display in the main entrance tower; screening the merchandise might provide a more attractive appearance consistent with the outdoor sales areas. **Ms. Lohmer** stated if the Commission does not want unscreened merchandise displayed in the center of the main entrance tower, the area could be removed from the site plan as allowable outdoor sales space, and the language in the document adjusted to reflect reduction in the 5,000 square feet currently allowed for outdoor sales. If the Commission is comfortable with the outdoor sales area in the other tower hidden behind a wall; language could be added to the PD document stating no outdoor sales storage is allowed except behind a wall of specified height and type.

Mr. Pena asked if the outdoor seasonal sales area in the main entrance tower could be kept if it was screened to conceal the display from the front view. **Commissioner Jajoo** commented that the sales area is obstructive and makes navigation difficult; **Commissioner Stansell** expressed concern that the screen will not contain the merchandise. Mr. Pena responded the concrete could be delineated to limit the sales area; the area is not intended to obstruct customer flow, but may separate the traffic going in from traffic going out.

Commissioner Huebner recommended including language that prohibits stacking or displaying merchandise in front of or higher than the wall; **Commissioner Shaw** agreed that such language would be effective for the entire outdoor display. **Commissioner Schmidt** asked if the Commission could stipulate the material used for the wall; **Ms. Lohmer** suggested stipulating the height and that the material be masonry or a primary finish or reflective of the Texas Backyard. **Mr. Pena** stated the lower permanent wall for the open sales area is 4 feet masonry with a fencing element above and masonry on the columns; screening for the entrance tower would be similar to the 4 foot wall. **Ms. Lohmer** stated it may be helpful to include the more detailed floor plan modified to show specifically where the outdoor sales space will be located; staff can add language to Additional Regulations (page 12) stating all outdoor merchandise within the main tower element must be screened by a wall at least 4 feet in height. **Mr. Pena** stated he would present the suggestion to incorporate with the option of no wall/ no merchandise.

Chairman Yeung stated the Commission wants to ensure coverage for the outdoor market area stays within what is shown in the front elevations and asked staff to incorporate language that allows applicant latitude, but protects the integrity of the Commission vision. **Ms. Lohmer** stated staff will ensure the elevations received in the site plan package are consistent with what the Commission has reviewed; staff further recommends that the elevations be attached to the ordinance and the site plan submitted with the building elevations be reviewed for compliance with the elevations. **Commissioner Hellums** added that the language for coverage in the tower should match whatever requirements are defined for the bottom portion of the outdoor space, similar finish and size.

Chairman Yeung asked about screening for grocery cart storage areas, **Ms. Lohmer** replied that it is not currently addressed in the ordinance. **Mr. Pena** stated screening material for the cart storage area is a tightly perforated metal that allows ventilation for wet carts, citing a solid sheet of metal with ½ inch diameter holes approximately 2-3 inches apart as example. Following discussion, the Commission concurred that language should be added to the ordinance specifying the diameter and spacing for the perforated metal. Mr. Pena suggested establishing a percentage of visibility as an alternative to limiting diameter of the holes; the commission agreed to add language for a 4-foot architectural structure with perforated metal screening sheets, 75% solid metal and 25% open holes.

FACT, FINDING AND RECOMMENDATION (CONTINUED)

Commissioner Huebner asked staff to review circulation though the property and whether the only access to the gas station is from internal circulation; **Ms. Lohmer** confirmed there was no direct access to the gas station from State Highway 6 or University Boulevard. **Commissioner Jajoo** asked if the entrance from State Highway 6 was one way, and Ms. Lohmer confirmed it is a right-in, right-out.

Commissioner Stephens stated “ note 2” needs to be added to the land use chart on page 8 for the Carwash, subsection (a) needs to be added under “Conditions for Auto/Car Leasing” on page 9, and “for customer parking and” needs to be deleted from subsection (b) in that same section.

Commissioner Stephens asked if the site plan would be modified to reflect the more detailed exhibit for the outdoor sales areas, **Ms. Lohmer** stated it would be attached as a separate exhibit to the site plan; the applicant suggested providing the additional information as an inset showing the more detailed version.

Commissioner Hellums asked if signage was addressed in documentation, Ms. Lohmer explained signs would have to comply with the Development Code; Commission approval of a conceptual elevation including signage does not equate to granting a variance to the sign regulations.

Following a full and complete discussion, **Commissioner Stephens**, seconded by **Commissioner Jajoo**, made a motion to approve a recommendation to the Mayor and members of City Council to zone 15.93 acres The Crossing at Telfair Section 3 to a Planned Development District, Final Development Plan with the conditions of:

- Elevations for Options A and B for the primary buildings, gas sales, carwash, and outdoor sales with the additional detailed footprint
- 4-foot masonry wall for outdoor sales in the main entrance tower or the option of no outdoor sales in that area
- No stacking of merchandise in front of outdoor sales walls
- Screen cart storage area with perforated metal, 25% perforation ratio
- Minimum of 2 feet, maximum of 5 feet fence requirement above 4-foot masonry wall for Texas Backyard outdoor sales area

The motion carried unanimously.

REPORTS

PLANNING AND ZONING COMMISSION LIAISON REPORTS

Chairman Yeung, Planning and Zoning Commission Liaison, commented on the City Council meeting held October 05, 2010, stating there were no Planning and Zoning subjects on the Agenda, an item of interest was approval of the baseball park Development Agreement.

CITY STAFF REPORT

Mr. Doug Schomburg, Interim Planning Director, thanked Commissioners for attending the APA Conference and stated there would be a Public Hearing and discussion on Newland Communities' Residential Planned Development District at the October 28th meeting. A General Plan submittal is anticipated for the area off of FM 2759 in the ETJ south and east of Greatwood; the proposal is for approximately 200 residential products. Staff will provide an updated schedule for the Planning and Zoning Commission Liaison to City Council.

ADJOURN

There, being no further business to come before the Commission, *Commissioner Stansell*, seconded by *Commissioner Jajoo*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 8:08 o'clock P.M.

Bridget Yeung, Chairman

(SEAL)